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FILED

'07 MJ 2631

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Magistrate Docket No. *PW*
)
 Plaintiff,) BY:
)
 v.) DEPUTY
) COMPLAINT FOR VIOLATION OF:
) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
 Defendant)
)

The undersigned complainant, being duly sworn, states:

On or about **November 8, 2007** within the Southern District of California, defendant, **Victor CASTILLO-Cornejo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF November, 2007



Cathy A. Bencivengo
 UNITED STATES MAGISTRATE JUDGE

QX

CONTINUATION OF COMPLAINT:**Victor CASTILLO-Cornejo****PROBABLE CAUSE STATEMENT**

On November 08, 2007, Border Patrol Agent G. Tiscareno was performing patrol duties east of the Otay Mesa, California Port of Entry. At approximately 9:30 a.m. Agent responded to a seismic intrusion device in an area known as the 70 mirror. This area is located approximately three miles east of the Otay Mesa, California Port of Entry and approximately two miles north of the United States/Mexico international boundary.

As he arrived in the area, Agent Tiscareno observed one individual near the 70 mirror. The Agent approached the individual later identified as the defendant **Victor CASTILLO-Cornejo**, and identified himself as a United States Border Patrol Agent. Agent Tiscareno then proceeded to conduct an immigration inspection. The defendant said he was citizen and national of Mexico without any immigration documents that would allow him to be or remain in the United States legally. Agent Tiscareno arrested the defendant and had him transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 13, 2006** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.